

GUTRIDE SAFIER LLP
SETH A. SAFIER (State Bar No. 197427)
MARIE A. MCCRARY (State Bar No. 262670)
TODD KENNEDY (State Bar No. 250267)
100 Pine Street, Suite 1250
San Francisco, CA 94111
Telephone: (415) 639-9090
Facsimile: (415) 449-6469
seth@gutridesafier.com
marie@gutridesafier.com
todd@gutridesafier.com

KALI R. BACKER (appearing *pro hac vice*)
4450 Arapahoe Ave., Suite 100
Boulder, CO 80303
Telephone: (415) 639-9090
kali@gutridesafier.com

Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

BRANDON BRISKIN, an individual, on behalf of himself, the general public and those similarly situated,

CASE NO. 4:21-cv-06269-PJH

PLAINTIFF'S NOTICE OF APPEAL

Plaintiff.

Hon. Phyllis Hamilton

vs

SHOPIFY INC.; SHOPIFY (USA), INC.;
and SHOPIFY PAYMENTS (USA), INC.,

Defendants.

1 **TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:**

2 Notice is hereby given that, pursuant to 28 U.S.C. § 1291 and 28 U.S.C. § 2107(a),
3 Plaintiff Brandon Briskin appeals to the United States Court of Appeals for the Ninth Circuit
4 from (a) this Court's order granting Defendants' motions to dismiss (Dkt. No. 66), filed May 5,
5 2022, and (b) this Court's final judgment dismissing the action (Dkt. No. 67), filed May 5, 2022.

6 In accordance with the Federal Rule of Appellate Procedure 12(b) and the Ninth Circuit
7 Rule 3-2(b), a Representation Statement is attached as Exhibit A.

8 Dated: June 1, 2022

9 Respectfully submitted,

10 **GUTRIDE SAFIER LLP**

11 /s/Seth A. Safier/s/

12 Seth A. Safier, Esq.
13 Marie A. McCrary, Esq.
14 Todd Kennedy, Esq.
15 100 Pine Street, Suite 1250
16 San Francisco, California 94111
17 Telephone: (415) 639-9090
18 Facsimile: (415) 449-6469
19 seth@gutridesafier.com
20 marie@gutridesafier.com
21 todd@gutridesafier.com

22 Kali R. Backer, Esq. (*pro hac vice*)
23 4450 Arapahoe Ave., Suite 100
24 Boulder, CO 80303
25 Telephone: (415) 639-9090
26 kali@gutridesafier.com

27 *Attorneys for Plaintiff*

EXHIBIT A

REPRESENTATION STATEMENT

In accordance with the Federal Rule of Appellate Procedure 12(b) and the Ninth Circuit Rule 3-2(b), the following list represents all parties to the action and, upon information and belief, their respective counsel by name, address, telephone number, and email address.

Party	Counsel of Record
Plaintiff-Appellants Brandon Briskin	GUTRIDE SAFIER LLP Seth A. Safier (State Bar No. 197427) Marie A. McCrary, Esq. (State Bar No. 262670) Todd Kennedy, Esq. (State Bar No. 250267) 100 Pine Street, Suite 1250 San Francisco, CA 94111 Telephone: (415) 639-9090 Facsimile: (415) 449-6469 seth@gutridesafier.com marie@gutridesafier.com
	Kali R. Backer (appearing <i>pro hac vice</i>) 4450 Arapahoe Ave., Suite 100 Boulder, CO 80303 Telephone: (415) 639-9090 matt@gutridessafier.com kali@gutridesafier.com
Defendant-Appellee, Shopify Inc., Shopify (USA) Inc., and Shopify Payments (USA) Inc. Company	ORRICK, HERRINGTON & SUTCLIFFE LLP JACOB M. HEATH (SBN 238959) jheath@orrick.com 1000 Marsh Road Menlo Park, CA 94025-1015 Telephone: +1 650 614 7400 Facsimile: +1 650 614 7401

1 ORRICK, HERRINGTON & SUTCLIFFE LLP
2 701 5th Avenue, Suite 5600
3 Seattle, WA 98104-7097
4 Telephone: +1 206 839 4300
5 Facsimile: +1 206 839 4301

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
Attorneys for Defendants, Shopify Inc., Shopify (USA)
Inc., and Shopify Payments (USA) Inc.

1 Dated: June 1, 2022

2 Respectfully submitted,

3 **GUTRIDE SAFIER LLP**

4 /s/Seth A. Safier

5 Seth A. Safier, Esq.
6 Marie A. McCrary, Esq.
7 Todd Kennedy, Esq.
8 100 Pine Street, Suite 1250
9 San Francisco, California 94111
10 Telephone: (415) 639-9090
11 Facsimile: (415) 449-6469
12 seth@gutridesafier.com
13 marie@gutridesafier.com
14 todd@gutridesafier.com

15 Kali R. Backer, Esq. (*pro hac vice*)
16 4450 Arapahoe Ave., Suite 100
17 Boulder, CO 80303
18 Telephone: (415) 639-9090
19 matt@gutridesafier.com
20 kali@gutridesafier.com

21 *Attorneys for Plaintiff*